



भारत का राजपत्र The Gazette of India



असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 16/16 नई दिल्ली, शुक्रवार, जुलाई 26, 1996 / श्रावण 4, 1918
No. 16/16 NEW DELHI, FRIDAY, JULY 26, 1996 / SRAVANA 4, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 26th July, 1996:—

BILL No. I of 1996

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 1996. Short title.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in PART IV — Gujarat, — Amendment of the Schedule.

(i) in entry 4, the words “Mochi”, shall be omitted;

(ii) after entry 21, the following entry shall be inserted, namely:—

“21A. Mochi (in Dangs district and Umbergaon taluk of Bulsar district)”.

STATEMENT OF OBJECTS AND REASONS

Prior to the enforcement of the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976, the "Mochi" community in Gujarat was specified as a Scheduled Caste only in the Dangs district and Umbergaon Taluka of the present Bulsar district and for the rest of the State it was not listed as a Scheduled Caste. By the above Act, the area restrictions within the State have been removed and, as such the "Mochi" community was declared as a Scheduled Caste for the whole of the State of Gujarat.

The removal of area restrictions in the case of Mochi community is not justified because this community has never suffered from any disability arising out of the practice of untouchability in any part of Gujarat except in the Dangs district and Umbergaon taluka of the present Bulsar district. It may also be pointed out that Mochis elsewhere in the State being comparatively more advanced are cornering the benefits to the detriment of the other really oppressed and deprived classes. It is, therefore, suggested that benefits of reservation and protection accorded by the Order may be confined only to the members of this community residing in Dangs district and Umbergaon taluka, by restoring the area restrictions. The present Bill therefore seeks to restore the position in respect of the Mochi community in the list of Scheduled Castes of the State of Gujarat as it was prior to the enforcement of the Scheduled Castes & Scheduled Tribes Orders (Amendment) Act, 1976.

The proposed amendments in the list of Scheduled Castes will not affect the number of seats reserved for the Scheduled Castes either in the Lok Sabha or in the State Assembly and, therefore, no provision has been included in the Bill to re-estimate the population of the Scheduled Castes and to re-allocate the reserved constituencies.

RAJUBHAI A. PARMAR.

II

BILL NO. VIII OF 1996

A Bill further to amend the Indian Fisheries Act, 1897.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Fisheries (Amendment) Act, 1996.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

4 of 1897.

2. In section 3 of the Indian Fisheries Act, 1897 (hereinafter referred to as the principal Act), after clause (2) the following clause shall be inserted namely:—

Amendment of
section 3.

“(3) ‘Mechanised fishing’ means fishing by a boat fitted with an inboard engine;”.

3. In section 4 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of
section 4.

“(2) In sub-section (1) the word “water” includes the sea within a distance of twenty kilometres of the sea-coast, creeks, rivers, canals, streams or any other water course where fishing is possible; and an offence committed under that sub-section in such water shall be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such water.”.

Insertion of new
Section.

4. After section 4 of the principal Act, the following section shall be inserted, namely:—

Destruction of
fish by
mechanised
fishing in
inland waters
and on coasts.

“4A. (1) If any person resorts to mechanised fishing in any water to catch or destroy any of the fish therein, he shall be punishable with a fine which may extend to fifty thousand rupees, or confiscation of nets and boat or with both.

(2) In sub-section (1) the word “water” includes the sea within a distance of twenty kilometres of the sea-coast, creeks, rivers, canals, streams or any other water course where fishing is possible; and an offence committed under that sub-section in such water shall be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such water.”

Amendment of
Section 5.

5. In section 5 of the principal Act, in sub-section (1), for the words “extend to two months, or with fine which may extend to two hundred rupees”, the words “extend to six months, or with fine which may extend to twenty thousand rupees or with both” shall be substituted.

Amendment of
Section 6.

6. In section 6 of the principal Act, in sub-section (5), in clause (a) for the words “one hundred rupees”, the words “ten thousand rupees” shall be substituted.

Amendment of
Section 7.

7. In section 7 of the principal Act, in sub-section (1), after clause (b), the following sub-clause shall be added namely:—

“(c) If the person in charge of the mechanised boat refuses to cease forthwith the fishing operation on being directed to do so.”

STATEMENT OF OBJECTS AND REASONS

The purpose of this amendment is twofold. Firstly, to render socio-economic protection to the traditional fishermen community numbering about 10 million, living in over 2000 villages along the entire 5650 kms. coast-line of our country, who earn their livelihood with country-boats and nets, but whose survival is now threatened by the intrusion of mechanised boats, big business houses including Multinationals and NRIs companies into their centuries-old traditional fishing grounds in the in-shore coastal and inland waters. Secondly, to protect the delicate fish ecology and fish breeding grounds which are generally located in the warm nutrient rich shallow coastal waters; to prevent reckless mechanised fishing which causes killing of fish eggs, alarming depletion of fish resources, disastrous decline in daily fish catch rendering lakhs of poor fishermen impoverished. Reports about mass destruction of fish from around the coasts due to rampant pollution of lake and coastal sea waters by chemical wastes are frequent. Firm steps therefore need to be taken to prevent mechanised boats from fishing near the shores and necessary deterrent and punitive laws need to be passed and a protective force provided. These steps are considered necessary to prevent decline of fish stock, cutting of nets by mechanised boats and consequent economic crisis for the poorer classes, who are pursuing their centuries-old traditional rural-based occupation.

The Bill seeks to achieve the above objects.

RAJUBHAI A. PARMAR.

III

BILL NO. XX OF 1996

A Bill to provide for the equal participation of women in the governance of the nation namely the executive, legislature and judiciary by making reservations and such other provisions for the women in the executive, the Council of Ministers, Parliament, State Legislatures, High Courts and Supreme Court, Public Service Commissions and such other autonomous bodies, in all the employment of the State and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Women (Equal Participation in the Governance of the Nation) Act, 1996.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) “appropriate Government” means in the case of a State, the Government of that State and in other cases the Central Government;

(2) "Election Commission" means the Commission established under article 324 of the Constitution of India;

(3) "Prescribed" means prescribed by rules made under this Act.

3. The Election Commission, while conducting elections to the offices of President and the Vice President, as the case may be, shall ensure that women candidate is elected to each of these offices for alternate terms in such manner as may be determined by the Election Commission.

Election Commission to ensure election of women to the offices of President & Vice President for alternate terms.

4. The Prime Minister, while constituting or reconstituting his Council of Ministers, shall ensure that forty percent of the Ministerial berths are filled up from amongst the women members of Parliament.

Prime Minister to ensure forty percent Ministerial berths in the Council of Ministers for women members of Parliament.

5. (1) Notwithstanding anything contained in the Election Laws or any other law for the time being in force, the Election Commission shall reserve not less than forty percent of the total seats each in the House of the people and the Council of States for women in such manner as may be prescribed.

Reservation of seats for women in both the Houses of Parliament.

(2) The seats reserved in any State or Union Territory for women under sub-section (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union Territory in the House of the People as the population of women in the State or Union Territory or part of the State or Union Territory as the case may be, in respect of which seats are so reserved bears to the total population of the State or Union Territory.

(3) In case of the Council of States the provisions of sub-section (1) shall apply only to those States or Union Territories which have been allocated more than three seats under the Fourth Schedule to the Constitution and in respect of those States and Union Territories which have been allocated two or only one seat, the seat for women shall be earmarked as under:—

(a) Where there are two seats, one seat shall be filled up by a woman candidate;

(b) Where there is only one seat, it shall be filled up by a woman candidate in alternate terms.

6. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall reserve not less than forty percent of the total number of Judges in the Supreme Court and each of the High Courts for women.

Reservation for women in the offices of Supreme Court and High Court Judges.

7. Notwithstanding anything contained in any other law for the time being in force, the President shall, while appointing Governor of a State or Lieutenant Governor or Administrator of a Union Territory, as the case may be, ensure that a woman is appointed to that office for alternate term in such manner as may be determined by the President.

Appointment of women Governors.

8. (1) Notwithstanding anything contained in the election laws or any other law for the time being in force, the Election Commission shall reserve not less than forty percent of total seats in the Legislative Assembly of a State and Union Territory having a Legislative Assembly in such manner as may be prescribed.

Reservation of seats for women in the Legislative Assemblies of States.

(2) The number of seats reserved for women in the Legislative Assembly of any State or Union Territory under sub-section (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the assembly as the population of women in the State or Union Territory or any part of the State or Union Territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

Chief Minister to ensure forty percent Ministerial berths in the Council of Ministers for women legislators.

9. The Chief Minister of a State or Union Territory, as the case may be, while constituting or reconstituting his Council of Ministers, shall ensure that forty percent of the Ministerial berths are filled up from amongst the women Legislators of the State or Union Territory Legislature, as the case may be.

Reservation for women in the Finance Commission.

10. The President, while constituting a Finance Commission shall appoint at least two women members excluding the Chairman of the Commission in such manner as may be determined by him.

Reservation for women in Public Service Commissions.

11. The President or the Governor of a State, while appointing the Chairman and member of the Union Public service Commission or of the State Public Service Commission shall appoint, as nearly as may be, one half of the members, from amongst the women in such manner as may be prescribed.

Reservation for women in the Election Commission.

12. Notwithstanding anything contained in any other law for the time being in force, the President shall appoint the Chief Election Commissioner and Other Election Commissioners in such manner that there shall always be one woman Election Commissioner serving in the Election Commission.

Reservation of posts in Government services for women.

13. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall reserve forty per cent of all the Government jobs in the reserved and general categories for women belonging to such categories.

Overriding effect.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

15. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Women constitute nearly half of the population of our country but unfortunately women as a class, are still socially neglected, economically weaker and educationally backward lot and continue to be the suppressed stratum of our society. Majority of women are still under the clutches of conservatism and traditional taboo of the society. The rate of literacy among them particularly in the rural parts of the country is very low. Women play a very vital role in our polity, but majority of them are not aware of it. In fact they should have equal participation in the governance of the nation on the basis of their numbers but they have been tactfully denied their share and most of them do whatever they are asked to do either by their husbands, sons or other male guardians.

It is an irony that in our country where women are more than four hundred million in numbers and despite being most suitable, none has occupied the office of either the President or Vice President so far. Their number in the Parliament and State Legislatures is negligible. Most of the political parties swear for the upliftment of women but at the time of elections they give most of the tickets to men. Similarly women are neglected in the formation of the Council of Ministers both in the Centre and the States. It has been a sad experience that most of the Prime Ministers and Chief Ministers have inducted very few women Parliamentarians and Legislators in their Council of Ministers denying them of their due share in the executive consistently. Similarly most of the offices of Governors are filled by men candidates and only one or two Governors are appointed from women. As such the number of women compared to men is very less in the executive or administration of the country.

The representation of women in the judiciary particularly in the High Courts and Supreme Court is far from satisfactory despite the fact that best legal brains amongst women are available in the country. To the apex court of the country only one woman has been elevated as the judge so far and in the High Courts too their number is negligible.

We have so far constituted nearly ten Finance Commissions but here too the women have been completely ignored.

Similar is the case in the Election Commission of the country. The office of the Chief Election Commissioner or other Commissioners has never been held by any woman except in the recent past when one woman Law Secretary of the Central Government Smt. V.S. Rama Devi was temporarily appointed to officiate as Chief Election Commissioner. Despite being the best suitable person her appointment as CEC was not regularised adding insult to the injury to the status of women. Similarly, the representation of women in the Public Service Commissions both at the Union and State levels is very negligible.

In government jobs too the number of women as compared to the men is very less. It is below twenty percent of the total Government jobs in the country. The percentage of women in the reserved categories is just nominal. As such the women do not have equal or even sufficient representation in the administration.

Although our Constitution guarantees equality both for men and women yet women are not considered equal to men. Efforts are being made to improve their lot and recently beginning has been made by reserving seats for women in the Village Panchayats and other local bodies but that is not enough. It is necessary to enact a law to provide for reservation/representation of women to the jobs and various offices under the Constitution and laws of the country. Then only the discrimination against them can be removed.

Hence this Bill.

SAROJ KHAPARDE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill gives power to the Central Government to make rules for carrying out the purpose of the Bill. The rules will relate to matters of details only.

The delegation of Legislative power is of normal character.

IV

BILL No. XIV OF 1996

A Bill to provide for making it obligatory to mention the name of the mother alongwith that of the father of a citizen in all the forms, certificates, declarations, records Judicial as well as non judicial, wills, testaments, agreements etc. and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Equal Status of Mother in Parental Recognition Act, 1996.

(2) It applies to all citizens of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title, applicability and commencement.

Definitions.

2. In this Act, unless the context otherwise requires, —

(a) “appropriate Government” means—

- (i) in the case of a State, the Government of that State; and
- (ii) in all other cases the Central Government;

(b) “Citizen” shall have the same meaning as in the Constitution and the Citizenship Act, 1955;

(c) “prescribed” means prescribed by rules made under this Act.

Compulsory mentioning of mother in parental recognition.

3. Notwithstanding anything contained in any other law for the time being in force or by virtue of any instrument having force of law or any custom or convention, the name of the mother alongwith that of the father of a citizen shall compulsorily be mentioned in every form, certificate, declaration, record, will, testament, agreement and such other documents as may be specified by the appropriate Government from time to time:

Provided that the name of the mother shall be sufficient in such cases where the identity of the father of a citizen is not known and the mother of such a citizen gives a declaration to that effect.

Appropriate Government to prescribe format.

4. The appropriate Government shall, in order to give effect to the provisions of this Act, prescribe format for giving the name of father and mother in all the documents referred to in section 3.

Power to remove difficulties.

5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty.

Overriding effect.

6. The provisions of this Act and of any rule and order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in other instrument having effect by virtue of any law other than this Act.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

It is a common practice to mention or write the name only of the father of a citizen in parental recognition in his certificates, records and other documents be they judicial or non judicial and the mother who plays the major role in the birth and up bringing of such a citizen is completely left out and finds no mention at all in such documents. Even in the application and other forms only the column of *father's name* has to be filled by the applicants and not, of the mother. The mother's name is given only when the details of the entire family are required to be furnished. This is not only injustice to the mother but also an insult to the motherhood. This anomaly has to be removed by making it mandatory to mention the name of both the mother and the father in parental recognition of a citizen. However there are some hapless citizens, mainly children, born to prostitutes, mentally ill women etc, who do not know about their fathers. In such cases only the name of the mother should be sufficient in parental recognition.

This Bill seeks to give equal status and respect to mothers in parental recognition of a citizen.

SAROJ KHAPARDE.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill which will relate to matters of details only.

The delegation of legislative power is of a normal character.

V

BILL NO. XV OF 1996

A Bill to provide for the humanitarian approach, minimum wage rates, holidays, hours of work and other conditions of service for the housemaids in order to eliminate their exploitation and for other welfare measures to be undertaken by their employers and the Central and State Governments and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Housemaids (Conditions of Service, Humanitarian Approach and other Welfare Measures) Act, 1996.

Short title,
extent and
Commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State the Government of that State and in other cases, the Central Government;

(b) "employer" means any person including a family who employs housemaids for doing their household chores;

(c) "housemaid" means a women servant who cleans household utensils, room etc. and performs other household chores for wages;

(d) "prescribed" means prescribed by rules made under this Act.

Registering officers for registration of housemaids.

3. The appropriate Government shall, by notification in the Official Gazette,—

(a) appoint such persons, being officers of the Government, as it thinks fit to be the registering officers for registration of housemaids under this Act; and

(b) define the limits within which a registering officer shall exercise the powers conferred on him under this Act.

Compulsory Registration of housemaids.

4. The Registering Officer shall compulsorily register housemaids with such details and in such manner as may be prescribed.

Prohibition of employing unregistered housemaids.

5. Notwithstanding anything contained in any other law for the time being in force, no employer shall employ any unregistered housemaid for the household chores.

Wage rates and other conditions of service of housemaids.

6. The wage rates, holidays, hours of work and other conditions of service of a housemaid shall be such as may be prescribed by the appropriate Government:

Provided that a housemaid shall in no case be paid less than three hundred rupees per month as wages by the employer and that the wages payable to a housemaid under this section shall be paid in cash.

Other facilities.

7. It shall be the duty of the appropriate Government to,—

(a) ensure regular payment of wages to housemaids;

(b) ensure suitable conditions of work for the housemaids;

(c) provide the prescribed medical facilities to the housemaids including free of charge maternity facilities with full wages to be paid by the employer;

(d) provide such protective clothings to the housemaids as may be prescribed; and

(e) provide such other facilities as may be prescribed from time to time.

Penalty.

8. If any person contravenes any of the provisions of this Act or of any rule made thereunder, he shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both.

Cognizance of offence.

9. No court shall take cognizance of any offence committed under this Act except on a complaint made by a housemaid and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Limitation of prosecution.

10. No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the offence is alleged to have been committed.

Overriding effect.

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or agreement whether made before or after the commencement of this Act:

Provided that where under any such law or agreement the housemaids are entitled to get the benefits in respect of any matter which are more favourable to them than those to which they would be entitled under this Act, the housemaids shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that they received benefits in respect of other matters under this Act.

12. The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act.

Power to give directions.

13. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

Power to remove difficulties.

14. The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Lakhs of poor and hapless women earn their livelihood by working in houses as housemaids doing household chores such as cleaning utensils, floors, dusting, washing etc. particularly in the urban areas and metropolitans. Each housemaid starts her routine early in the morning and generally works in eight to ten houses twice daily without any leave for such chores. However, despite their hard work they are paid meagerly by the households. Roughly, each housemaid is paid not more than one hundred fifty rupees per month. If any housemaid is unable to work for few days due to illness or any accident, her wages are deducted, what to speak of maternity leave and other benefits. These housemaids are rather scolded even for minor lapses and are even fired summarily for such lapses without prior notice whatsoever. In some cases, these hapless housemaids are sexually harassed by the male households. Despite all these odds, these poor housemaids have no other option but to work in the houses for survival of their own and of their poor families.

In a welfare state like ours such exploitations need to be checked by the State and it becomes our duty to provide for a law to deal with such situations. Hence an attempt has been made to alleviate the miseries of the housemaids in this Bill by providing for humane approach, minimum wage rates, holidays, hours of work and other conditions of work for them which will help them to work in a good atmosphere and will play as a deterrent to those households who exploit these hapless housemaids.

Hence this Bill.

SAROJ KHAPARDE.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the appointment of Registering Officers for registration of housemaids. The Bill if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one crore may be involved as recurring expenditure per annum.

A sum of rupees fifty lakhs may also involve as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VI

BILL NO. XVII OF 1996

A Bill to provide for the formulation of special development plans and establishment of an autonomous Authority to implement such plans in respect of the drought prone areas of the country particularly in the States of Madhya Pradesh, Bihar, Andhra Pradesh, Orissa, Rajasthan and Gujarat and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Drought Prone Areas (Special Provisions) Act, 1996.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Authority” means the Drought Prone Areas Development Authority established under section 4;

(b) “drought prone areas” mean such areas in the country which in the opinion of the Central Government are drought prone and declared, by notification in the Official Gazette, as such in consultation with the Governments of the States and Union Territory administrations;

(c) "prescribed" means prescribed by rules made under this Act.

Central Government to formulate special development plans for drought prone areas.

3. The Central Government shall, within a period of six months from the date of commencement of this Act, formulate special development plans for providing industrial growth, railways, roads, post and telegraph and other means of communications, and in particular, plans relating to agriculture, irrigation facilities, drinking water through wells, handpumps and tap water, fodder facilities, electricity, development of forests, livestock, milk and poultry co-operatives, health services including family welfare schemes, education and vocational training and special employment drives in the drought prone areas in the country particularly in the States of Madhya Pradesh, Bihar, Andhra Pradesh, Orissa, Rajasthan and Gujarat.

Establishment of Drought Prone Areas Development Authority.

4. (1) For the purposes of this Act, with effect from such date, as the Central Government may, by notification in the Official Gazette, appoint, in this behalf, there shall be established by the Central Government an Authority to be called the Drought Prone Areas Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and to contract, and shall by the said name sue and be sued.

(3) The head office of the Authority shall be at Bhopal in the State of Madhya Pradesh and the Authority may establish offices at such places in the country in such manner as may be prescribed.

(4) The Authority shall consist of a Chairman, Vice-Chairman and such other members as may be prescribed.

(5) The Authority shall have such officers, employees and other set up including the conditions of services of such officers and employees as the Central Government, may, by notification in the Official Gazette, determine from time to time for the efficient functioning of the Authority.

(6) The Authority shall conduct its business in such manner as may be prescribed.

Authority to implement the special development plans.

5. It shall be the duty of the Authority to implement the special development plans formulated under section 3.

Funds of the Authority.

6. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the implementation of special development plans in the drought prone areas and for the administrative expenses of the Authority.

Development Fund.

7. The Authority shall have a fund to be called the 'Drought Prone Areas Development Fund' to which shall be credited all moneys received from the Central and State Governments, international financial institutions, industrial establishments and individuals for the development of drought prone areas in the country and all payments by the Authority towards development expenditure shall be made therefrom.

Annual Report.

8. The Authority shall submit an annual report, in such form and in such manner, as may be prescribed of its activities of development in the drought prone areas of the country to the President of India who shall cause the report to be laid before both the Houses of Parliament, as soon as may be, after it is received by him.

Savings.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Unprecedented drought conditions play consistent havoc in various parts of the country. Drought conditions are prevailing for the last many years in the tribal belt and Chhatisgarh region of Madhya Pradesh, Palamu division of Bihar, Kalahandi of Orissa and various parts of the Andhra Pradesh, Rajasthan, Gujarat and other parts of the country. The farmers could not grow their crops in the parched land of these areas and rain God remains consistently evasive in such areas resulting in acute shortage of even drinking water because the wells and hand pumps have either dried up or the water level has gone down considerably. There are no irrigation facilities. The inhabitants do not get food to eat and water to drink resulting in their exodus to other places. In many places starvation deaths have also been reported. The worst affected is the mute livestock dying unnatural death in the absence of fodder and water. Though the Central and State Governments give some relief, it is inadequate and even negligible. The situation goes from bad to worse due to the apathy of the authorities. To save the situation urgent steps have to be taken at the national level.

Drought is not a temporary phenomenon in these areas. It is almost a continuous process. So a long term national policy will have to be formulated for the proper development of these drought prone areas. The onus of formulating such a policy lies on the Central Government. An autonomous Authority will have to be established for implementing the plans formulated for the development of drought prone areas in the country. This has to be undertaken on priority.

This Bill seeks to achieve the above objects.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of a Drought Prone Areas Development Authority. Clause 6 provides for the funds of the Authority. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crores will be involved as recurring expenditure per annum.

It may also involve a non-recurring expenditure of rupees fifty crores from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of details only.

The delegation of legislative power is of normal character.

VII

BILL NO. XVIII OF 1996

A Bill to provide for the enforcement of total prohibition by banning manufacturing, sale, purchase, distribution and consumption of alcohol and other intoxicating drinks and for matters connected therewith.

BE it enacted by Parliament in the Forty-Seventh Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Prohibition Act, 1996.

(2) It extends to the Union Territories and the areas falling within the jurisdiction of the National Capital Region Planning Board.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "alcohol" means ethyl alcohol of any strength and purity generally used for producing wines and medicinal preparation.

(b) "alcoholic drinks" means drinks prepared by using alcohol which intoxicate the user of such drinks;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "prohibition" includes prohibition of manufacturing, sale, purchase, distribution carrying and consumption of alcoholic drinks.

3. With effect from the commencement of this Act, there shall be total prohibition in all the Union Territories and areas falling within the jurisdiction of the National Capital Region Planning Board and it shall be the duty of the Central Government to strictly impose and enforce total prohibition in such areas.

Imposition and enforcement of prohibition by Central Government.

4. Whoever violates the provisions of section 3 shall be punished with imprisonment for a term not exceeding two years or with fine not exceeding rupees two lakhs or with both.

Penalty.

5. Where a person committing an offence under this Act is a company, or other body corporate, or an association of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof shall be deemed to be guilty of such offence and punished accordingly.

Offence by Company.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The consumption of liquor and other intoxicating drinks is increasing menacingly in the country. It is ruining millions of families and causing thousands of untimely death of alcoholics. Similarly law and order situation is also deteriorating day by day because of the liquor consumption. Liquor barons and mafias are minting money by selling killer hooch. Liquor consumption is also responsible for the increase in the incidents of rapes and molestation of women and turning the drivers into devils on the roads who kill innocent road users under the influence of liquor. It is high time that total prohibition is imposed in the country. The Central Government has to initiate the process by imposing prohibition in Union Territories to start with, without bothering for the loss of revenue, for the national cause so that the States may also impose prohibition there and save millions of families from being ruined and thousands being killed on roads. Moreover, article 47 of the Constitution of India has imposed a duty on the State to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. In pursuance of this article, States like Gujarat, Andhra Pradesh and Haryana have imposed prohibition in the irrespective States. It is expected that the Central Government will also follow suit and comply with the directive of the Constitution by imposing prohibition.

Hence this Bill.

SURESH PACHOURI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VIII

BILL NO. XIX OF 1996

A Bill to provide for the prevention of stripping and outraging the modesty of women and girls at public places and for deterrent punishment for such offences and trial in camera and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Stripping and Outraging Modesty of Women and Girls at Public Places Act, 1996.

Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions

(a) “girl” means a female human being below the age of twenty one years;

(b) “outraging the modesty of a woman” means forcibly touching, meddling hostilely or injuriously with the body of a girl or woman in violation of her sentiments and rights;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "public place" includes a road, street, way or other place used by general public;

(e) "stripping" includes removing or tearing of any cloth or part thereof worn by a girl or woman;

(f) "woman" denotes a female human being who has attained the age of twenty one years and above;

45 of 1860.
2 of 1974.

(g) words and expressions used but not defined in this Act and defined in the Indian Penal Code or the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Acts.

3. No person shall strip or outrage the modesty of any girl or woman at any public place at any time.

Prohibition of stripping and outraging modesty of girls and women at public places.

45 of 1860.

4. (1) Notwithstanding anything contained in the Indian Penal Code or any other law for the time being in force whoever commits the offence of stripping shall be punishable with death.

Penalty

45 of 1860.

(2) Whoever commits the offence of outraging the modesty shall, notwithstanding anything contained in the Indian Penal Code be punishable with imprisonment for a term which shall not be less than three years but which may extend to six years and shall also be liable to fine which may extend to twenty thousand rupees.

(3) Whoever attempts to commit an offence punishable under this Act or abets in the commission of such offence shall be punishable with imprisonment for a term which may extend to five years or with a fine which may extend to twenty five thousand rupees or with both.

2 of 1974.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 any other law for the time being in force an offence under this Act shall be cognizable and non-bailable.

Offence to be cognizable and non-bailable.

2 of 1974.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence under this Act shall be tried in camera by the Court of Sessions.

Court to try cases in camera.

7. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Very recently in the States of Andhra Pradesh, Rajasthan and Madhya Pradesh women belonging to weaker sections of the society were stripped and paraded naked in the streets on slightest provocations. Memories are fresh when in the recent past at Saharanpur in the State of Uttar Pradesh a middle aged woman who was going to depose in a court of law was dragged by some goons and forcibly stripped in front of the court and two adjoining police *thanas* in the area and she was paraded naked and taken to one of the *thanas* in full public view and even the local police which is supposed to protect the life, honour and property of the common citizens remained a mute spectator of this gory incident. The goons with the connivance of the corrupt police would have succeeded in hushing up the incident but for the intervention of the National Commission for Women which took up the case of the hapless woman and highlighted the case at the national level. People have also not forgotten that in the recent past an old woman belonging to the weaker section of society was stripped and paraded by some landlords in the State of Andhra Pradesh and in Madhya Pradesh some Harijan women were stripped and forced to dance naked on Holi festival by some upper caste people belonging to a national political party which was at that time ruling the State. The nation has not also forgotten the famous Maya Tyagi stripping case at Baraut in Uttar Pradesh. This inhuman practice of stripping of women goes back to the epic *Mahabharata* period but in that case Lord Krishna had saved Draupadi from the ultimate humiliation but to-day no Lord comes to the rescue of such hapless women or girls, rather the Police helps such law breakers. The Indian Penal Code is silent about this offence. It is, therefore, necessary that deterrent punishment be provided for such an offence and the trial of such offence be held in camera by the Sessions Court. Similarly deterrent punishment needs to be prescribed for outraging the modesty of a girl or women. It is felt that these provisions may help in curbing the incidents of stripping or outraging modesty of girls and women at public places in the country.

Hence this Bill.

SURESH PACHOURI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of procedures and details only.

The delegation of legislative power is of normal character.

V. S. RAMA DEVI,
Secretary-General.